

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 24-686-KK-SPx**

Date: May 24, 2024

Title: ***Toyin Dawodu v. Experian, et al.***Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute and Comply with Court Orders

On February 16, 2024, plaintiff Toyin Dawodu (“Plaintiff”), proceeding pro se, filed a Complaint against defendants Experian Information Solutions, Inc., Trans Union LLC, Equifax Inc., Credit One Bank, First National Capital Corporation, First Premier Bank, LendingClub Bank, N.A., Financial Stability Board, Applied Bank, Capital One, CCS First National Bank, U.S. Bank, State Farm Mutual Automobile Insurance Company, Credit Management LP, Charter Communications, and Spectrum.com in Riverside County Superior Court, asserting fraud and related claims “individually and on behalf of all others similarly situated[.]” ECF Docket No. (“Dkt.”) 1-1 at 7-17. On April 1, 2024, the action was removed to this Court. Dkt. 1.

On May 3, 2024, the Court issued an Order to Show Cause why Plaintiff’s class action claims should not be stricken in light of the fact that Plaintiff is proceeding pro se. See dkt. 40. The Court ordered Plaintiff to file a response to the Order no later than May 17, 2024. Id. The Court further advised Plaintiff “failure to timely file a response to this Order will result in this action being dismissed without prejudice for failure to prosecute and comply with Court orders.” Id.

To date, Plaintiff has not filed a response. Plaintiff is, therefore, in violation of the Court’s May 3, 2024 Order.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Nevertheless, before dismissing this action, the Court will afford Plaintiff an opportunity to explain his failure to file a response to the Court’s May 3, 2024 Order.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed and/or sanctions imposed for failure to prosecute and comply with court orders. Plaintiff shall have **up to and including June 7, 2024** to respond to this Order.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice and/or other sanctions, including monetary sanctions, for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.